




Michael R. Pence, Governor
State of Indiana

Division of Disability and Rehabilitative Services
402 W. WASHINGTON STREET, P.O. BOX 7083
INDIANAPOLIS, IN 46207-7083
1-800-545-7763

TO: Erik Scheub
Office of Small Business and Entrepreneurship

FROM: Nicole Norvell
Director, Division of Disability and Rehabilitative Services

APPROVED BY: John J. Wernert, M.D.
Secretary, Family and Social Services Administration 

RE: Small Business Economic Impact Analysis of Proposed Rule LSA
Document # 15-253 Deaf and Hard of Hearing Service

DATE: September 2, 2015

Pursuant to Ind. Code §§ 4-3-22-13 and 4-22-2-28, the Indiana Family and Social Services Administration (FSSA), Division of Disability and Rehabilitative Services (DDRS), Bureau of Rehabilitation Services (BRS), Deaf and Hard of Hearing Services (DHHS) submits this small business impact analysis for proposed rule LSA# 15-253.

Summary and background of the proposed rule

The DHHS rule is being amended to reflect changes made by the national interpreter organization, Registry of Interpreters for the Deaf (RID), to interpreter standards. The RID has added an alternative path for interpreter applicants who do not have a bachelor's degree, but have sufficient skills and knowledge through other avenues such as, workshops, week-long classes, or active membership in a state or local interpreter organization, etc., to become nationally certified interpreters. Indiana currently does not have this alternative path to certification in its rule. As the rule is written, all new applicants for Indiana Interpreter Certificate (IIC) must have a bachelor's degree. This requirement makes it very difficult for the program to hire qualified interpreters for its clients who must have interpreters to benefit from employment services through the Vocational Rehabilitation Services (VRS). Therefore, DHHS is proposing to amend the rule in order for it to be consistent with the requirements of the Registry of Interpreters (RID).

Furthermore, there is an inconsistency in the rules with regard to interpreters who are grandfathered IIC holders under 460 IAC 2-3-3(a)(8) and (a)(9). There is currently a five year



limitation for a deaf or hard of hearing person to be certified as an IIC interpreter under (a)(8) whereas there is no time limit attached to a hearing person's certification under (a)(9) even though both groups of interpreters are required to earn the same continuing education units every two years to maintain their IIC certifications. Therefore, DHHS proposes deleting (a)(8) and adding "for up to five (5) years" to (a)(9) for all grandfathered IIC (both deaf/hard of hearing and hearing) applicants who are not nationally certified by RID. Finally, the proposed rule also clarifies the current grievance process and hearing procedures.

Impact on Small Business

The following section provides responses to the following questions outlined in Ind. Code § 4-22-2.1-5:

- 1. An estimate of the number of small businesses, classified by industry section that will be subject to the proposed rule.**

Ind. Code § 5-28-2-6 defines a small business as a business entity that satisfies the following requirements:

- (1) On at least fifty percent (50%) of the working days of the business entity occurring during the preceding calendar year, the business entity employed not more than one hundred fifty (150) employees.
- (2) The majority of the employees of the business entity work in Indiana.

There are currently 400 IIC interpreters in Indiana, and we expect this number would increase by 10% as a result of the rule amendment.

- 2. An estimate of the average annual reporting, record keeping, and other administrative costs that small business will incur to comply with the proposed rule.**

The proposed rule amends the list of certification requirements under 460 IAC 2-3-3. However, the proposed rule still allows an individual the option to fulfill at least one requirement to receive certification, and thus, does not impose any additional administrative costs to small businesses to comply with this proposed rule.

- 3. An estimate of the total annual economic impact that compliance will have on small businesses subject to the rule.**

There will be no economic impact for small businesses as a result of compliance with proposed amendment.

4. **A statement justifying any requirement or cost that is imposed by the rule and not expressly required by law. The statement must reference any data, studies, or analyses relied upon by the agency in determining imposition of the requirement or cost is necessary.**

The proposed rule amendment imposes no requirement or cost upon small businesses.

5. **Any regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the same purpose.**

DDRS/DHHS did not conduct a regulatory flexibility analysis that considered any less intrusive or less costly alternative methods. The proposed rule is being amended to reflect changes made by the RID to national interpreter standards, and the proposed rule is within the DDRS/DHHS's statutory discretion under IC 12-12-7-5.

A. Establishment of less stringent compliance or reporting requirements for small businesses.

DDRS/DHHS did not establish less stringent compliance or reporting requirements for small businesses. The proposed rule amendment will have no impact on already existing compliance or reporting requirements for small businesses.

B. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

DDRS/DHHS did not establish a less stringent schedule or deadline for compliance or reporting requirements for small businesses. All interpreters are subject to the same requirements.

C. Consolidation or simplification of compliance or reporting requirements for small businesses.

The proposed rule simplifies compliance requirements for small businesses by amending current requirements for certification of interpreters to match those made by the RID to national interpreter standards.

D. Establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

DDRS/DHHS did not establish performance standards for small businesses. The proposed rule amends current requirements for certification of interpreters to match those made by the RID to national interpreter standards.

E. Exemption of small businesses from part or all of the requirements or costs imposed by the rule.

DDRS/DHHS did not exempt small businesses from part or all of the requirements imposed by the proposed rule.

A public hearing will be scheduled after receiving authorization from the Legislative Services Agency to do so. It will be held in Indianapolis, Indiana.

DDRS/DHHS plans to submit the proposed rule to the Legislative Services Agency as soon as possible for publication in the *Indiana Register*. If there are any programmatic or fiscal questions, please contact Rhonda Marcum at (317) 542-3449 or Rhonda.Marcum@fssa.in.gov. Questions regarding any other aspect of the proposed changes should be addressed to Shanida Sharp-Byrnes at (317) 232-1282 or shanida.sharp-byrnes@fssa.in.gov.

Attachments: LSA Document #15-253: Notice of Intent, Proposed Rule